

# EXHIBIT 30

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 -----)  
5 )  
6 IN RE: NATIONAL PRESCRIPTION ) MDL No. 2804  
7 OPIATE LITIGATION )  
8 )  
9 -----) Case No. 1:17-MD-2804  
10 )  
11 THIS DOCUMENT RELATES TO: )  
12 )  
13 Track Eight ) Judge Dan Aaron Polster  
14 )  
15 -----)

16  
17 VIDEOTAPED DEPOSITION OF LEIGH ANNE JACOBSON  
18 TUESDAY, NOVEMBER 8, 2022

19 - - -  
20  
21 HIGHLY CONFIDENTIAL - SUBJECTIVE TO FURTHER  
22 CONFIDENTIALITY REVIEW

23 - - -  
24  
25 Remote videotaped deposition of LEIGH ANNE  
26 JACOBSON, commencing at 9:10 a.m., on the above date,  
27 before Juliana F. Zajicek, Registered Professional  
28 Reporter, Certified Shorthand Reporter and Certified  
29 Realtime Reporter.

30 - - -  
31  
32 GOLKOW LITIGATION SERVICES  
33 877.370.3377 ph | 917.591.5672 fax  
34 Deps@golkow.com

1                   A P P E A R A N C E S :  
2                   (All Parties Appeared Remotely)

3       ON BEHALF OF THE PLAINTIFFS:

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7               414-210-3868

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20       ON BEHALF OF THE KROGER COMPANY:

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24             304-347-1701

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35              kara.kapke@btlaw.com

1                                   A P P E A R A N C E S :  
2                                   (All Parties Appeared Remotely)

3       ALSO PRESENT:

4                   MACKENZIE JACOBSON,  
5                   Crueger Dickinson

6                   BILL HAMMOND, Senior Director,  
7                   Regulatory Legal and Litigation at  
8                   Publix Super Markets

9                   JONATHAN JAFFE, Consultant;

10                  RAY MOORE, Trial/Exhibit Technician.

11  
12  
13       THE VIDEOGRAPHER:

14                  JIM LOPEZ  
15                  Golkow Litigation Services

1 I N D E X

2 WITNESS: PAGE:

3 LEIGH ANNE JACOBSON

4 EXAM BY MS. DICKINSON..... 10

5

6 \*\*\*\*\*

7

8 E X H I B I T S

9 LEIGH ANNE JACOBSON EXHIBIT MARKED FOR ID

10 No. 1 Notice of Remote Deposition of 12  
Leigh Anne Jacobson

11

12 No. 2 Map of Atlanta and the surrounding 27  
area with a hand drawn circle

13 No. 3 Letter from Leigh Anne Jacobson to 39  
the hiring supervisors at Publix  
14 dated August 28th, 2014 attaching  
a resume; PUBLIX-MDLT8-00147880 -  
15 883

16 No. 4 E-mail chain dated 10/27/2017, 124  
Subject: RE: Standard - Case Ref #  
17 1522673 - PHARMACY - INITIAL;  
PUBLIX-MDLT8-00070267 - 268

18

19 No. 5 Memo from Leigh Anne Jacobson 133  
dated 1/31/2020 to Courtney  
Monroe, Subject: Offer of  
20 Employment; PUBLIX-MDLT8-00080831  
- 833

21

22 No. 6 E-mail dated 5/23/201 with 142  
attachment, Subject: Emailing:  
4\_2019\_WelcomeToPharmacyMgmt\_Prez.  
23 pptx; PUBLIX-MDLT8-00114908 - 910

24 No. 7 Pharmacy Operations Organizational 168

1	E X H I B I T S			
2	LEIGH ANNE JACOBSON EXHIBIT		MARKED FOR ID	
3	No. 8	Article titled "Prescription drug	189	
4		abuse 'epidemic' in Cobb,		
5		Georgia," by Marcus E. Howard,		
		5/5/2010		
6	No. 9	Article titled "7.8 million opioid	204	
7		prescriptions last year: Is		
8		Georgia overdosing?" By Jeremy		
		Redmon, the Atlanta		
		Journal-Constitution, 9/16/2016		
9	No. 10	E-mail chain dated 10/1/2019	215	
10		w/attachments, Subject: FW: Weekly		
11		Memo 4-17-19;		
		PUBLIX-MDLTI-00077173 - 188		
12	No. 11	DOJ, DEA document re Holiday CVS;	251	
		P-08166_00001 - _0031		
13	No. 12	DOJ, DEA "Dear Registrant" letter	252	
14		dated 12/27/2007;		
		PUBLIX-MDLT8-00147285 - 289		
15	No. 13	Publix Supermarkets, Inc. Pharmacy	254	
16		Reference and Procedure Guide;		
		PUBLIX-MDLT8-00043965 - 44385		
17	No. 14	Publix Pharmacy document titled	270	
18		"ERXSTRTRND - Pharmacy Strategic		
19		Dashboard Trend Report," Period		
		Ending: April, 2017		
20	No. 15	Publix Retail Management	282	
21		Performance Evaluation Form,		
		Pharmacy Department;		
		PUBLIX-MDLT8-00148079 - 081		
22	No. 16	Publix Retail Management	284	
23		Performance Evaluation Form,		
24		Pharmacy Department, 08/01/2012 to		
		07/31/2013; PUBLIX-MDLT8-00147811		
		- 812		

1	E X H I B I T S		
2	LEIGH ANNE JACOBSON EXHIBIT	MARKED FOR ID	
3	No. 17	Publix Retail Management Performance Evaluation Form, Pharmacy Department, 08/01/2013 to 07/31/2014; PUBLIX-MDLT8-00147805 - 008	285
4			
5			
6	No. 18	Publix Retail Management Performance Evaluation Form, Pharmacy Department, 08/01/2014 to 06/30/2015; PUBLIX-MDLT8-00148073 - 076	286
7			
8			
9	No. 19	E-mail dated 2/2/2017 w/attachments, Subject: Eval; PUBLIX-MDLT8-00092594 - 603	287
10			
11	No. 20	Publix Associate Performance Evaluation, 04/01/2016 - 03/31/2017; PUBLIX-MDLT8-00147852 - 855	299
12			
13	No. 21	Publix Associate Performance Evaluation, 04/01/2017 - 03/31/2018; PUBLIX-MDLT8-00147999 - 8002	301
14			
15			
16	No. 22	Publix Associate Performance Evaluation, 04/01/2018 - 03/31/2019; PUBLIX-MDLT8-00147838 - 841	303
17			
18	No. 23	Publix Associate Performance Evaluation, 04/01/2019 - 03/31/2020; PUBLIX-MDLT8-00148067 - 8070	305
19			
20			
21	No. 24	Publix Associate Performance Evaluation, 04/01/2020 - 03/31/2021; PUBLIX-MDLT8-00147912 - 916	306
22			
23			
24			

1	E X H I B I T S		
2	LEIGH ANNE JACOBSON EXHIBIT		MARKED FOR ID
3	No. 25	Publix Associate Performance Evaluation, 04/01/2021 -	307
4		03/31/2022; PUBLIX-MDLT8-00147867	
5		- 870	
6	No. 26	E-mail chain dated 7/26/2018,	309
7		Subject: Fwd: Prescriber Alert;	
8		PUBLIX-MDLT8-00086381 - 382	
9	No. 27	E-mail chain dated 7/22/2020,	314
10		Subject: RE: Standard - Case Ref #	
11		2695291 - PHARMACY - INITIAL;	
12		PUBLIX-MDLT8-00080521 - 522	
13	No. 28	E-mail dated 6/8/2018	317
14		w/attachment, Subject: CS	
15		Threshold Training for Pharmacy	
16		Supervisors; PUBLIX-MDLT8-00071354	
17		- 356	
18	No. 29	E-mail dated 3/1/2017, Subject:	318
19		Pharmacy Controlled Substance	
20		Threshold Change Request Form;	
21		PUBLIX-MDLT8-00069637	
22	No. 30	E-mail chain dated 4/8/2018,	326
23		Subject: RE: Pharmacy Controlled	
24		Substance Threshold Change Request	
25		Form; PUBLIX-MDLT8-00070983 - 984	
26	No. 31	E-mail chain dated 5/25/2018,	327
27		Subject: Re: Pharmacy Controlled	
28		Substance Threshold Change Request	
29		Form; PUBLIX-MDLT8-00071262 - 264	
30	No. 32	E-mail chain dated 1/8/2021,	328
31		Subject: RE: Control Adjustments	
32		*Response Required by 1PM FRIDAY	
33		1/8*; PUBLIX-MDLT8-00082122 - 123	
34	No. 33	E-mail dated 5/5/2019, Subject:	331
35		Manager's Meeting 5/6 **Action	
36		Needed*; PUBLIX-MDLT8-00075275 -	



1	E X H I B I T S		
2	LEIGH ANNE JACOBSON EXHIBIT	MARKED FOR ID	
3	No. 34	E-mail dated 5/5/2019, Subject: Manager's Meeting 5/6 **Action Needed**;	336
4		PUBLIX-MDLT8-00076567 - 568	
5	No. 35	E-mail dated 5/5/2019, Subject: Manager's Meeting 5/6 **Action Needed**;	337
6		PUBLIX-MDLT8-00076578 - 579	
7			
8	No. 36	E-mail dated 4/26/2019, Subject: Manager's Meeting 4/29 **Action Needed**;	338
9		PUBLIX-MDLT8-00075168 - 169	
10	No. 37	E-mail chain dated 1/13/2020, Subject: RE: 1/15/20 Annual Controlled Substance Inventory;	341
11		PUBLIX-MDLT8-00077745 - 747	
12			
13	No. 38	E-mail chain dated 1/30/2018, Subject: RE: Store #561;	343
14		PUBLIX-MDLT8-00070491	
15	No. 39	E-mail chain dated 4/4/2017, Subject: RE: Pharmacy Controlled Substance Threshold Change Request Form;	346
16		PUBLIX-MDLT8-00069680 - 681	
17	No. 40	E-mail chain dated 2/17/2017, Subject: Re: Standard - Case Ref # 1298009 - PHARMACY - INITIAL;	348
18		PUBLIX-MDLT8-00092604 - 605	
19			
20	No. 41	E-mail chain dated 4/15/2020, Subject: RE: GoodRx;	351
21		PUBLIX-MDLT8-00078503 - 504	
22			
23			
24			

1           THE VIDEOGRAPHER: We are now on the record. My  
2     name is Jim Lopez. I am the videographer for Golkow  
3     Litigation Services.

4           Today's date is November 8th, 2022, and  
5     the time is approximately 9:10 a.m.

6           This remote video deposition is being held  
7     In the Matter of In Re National Prescription Opioid  
8     Litigation, MDL 2804, for the United States District  
9     Court for the Northern District of Ohio, Eastern  
10    Division.

11           The deponent is Leigh Anne Jacobson.

12           All parties to this deposition are  
13    appearing remotely and have agreed to the witness  
14    being sworn in remotely.

15           Due to the nature of remote reporting,  
16    please pause briefly before speaking to ensure all  
17    parties are heard completely.

18           Counsels' appearances will be noted on the  
19    stenographic record.

20           The court reporter is Juliana Zajicek, and  
21    she will now swear in the witness.

22                       (WHEREUPON, the witness was duly  
23                       sworn.)

24                       ////////

1 LEIGH ANNE JACOBSON,  
2 called as a witness herein, having been first duly  
3 sworn, was examined and testified as follows:

4 EXAMINATION

5 BY MS. DICKINSON:

6 Q. Good morning, Ms. Jacobson. My name is  
7 Erin Dickinson. We met briefly off camera. I am one  
8 of the attorneys for Cobb County in this case.

9 Could you state your full name for the  
10 record, please?

11 A. Leigh Anne Dye Jacobson.

12 Q. Could you spell the Leigh and the Anne  
13 part for the court reporter just so she has it  
14 correctly?

15 A. L-e-i-g-h space A-n-n-e.

16 Q. And then Jacobson is with an s-o-n,  
17 correct?

18 A. Yes.

19 Q. Okay. Could you state your present  
20 address for the record, please?

21 A. 505 Asher Court, Powder Springs, Georgia  
22 30127.

23 Q. Great.

24 And how long have you been at that

1 no.

2 Q. Okay. Do you know -- do you have any idea  
3 what that phrase means with respect to Schedule II  
4 narcotics?

5 A. I can certainly provide what my assumption  
6 would be.

7 Q. I don't want you to guess. I just -- if  
8 you know.

9 A. No.

10 Q. Okay. And do you know what an SOM stands  
11 for?

12 A. My understanding of an SOM would be a  
13 suspicious ordering monitor or a suspicious order  
14 monitoring. I may be fumbling those a -- a little  
15 bit, but the general gist is the -- the ordering  
16 process.

17 Q. Okay. Have you in your time at Publix had  
18 any responsibilities for suspicious order monitoring?

19 A. I have.

20 Q. Okay. Which -- what were your  
21 responsibilities?

22 A. It's varied. Are you asking when I  
23 started as a pharmacist or currently as a pharmacy  
24 supervisor?

1 Q. As a pharmacy supervisor how about?

2 A. Okay. So currently with compliance, my  
3 involvement with suspicious ordering monitoring  
4 systems or with that process would be to help resolve  
5 an issue that the compliance team can't definitively  
6 resolve on their own.

7 Q. When did that response -- when did you  
8 take on that responsibility, what time period?

9 A. As I described, I believe it would have  
10 been approximately -- approximately three years ago,  
11 two to three years.

12 Q. Okay. And -- and tell me what you do when  
13 the compliance team has an issue they can't resolve  
14 with respect to suspicious orders?

15 A. Let me preface, they are fewer and further  
16 between. It's predominantly, Hey, the pharmacy said  
17 this drug expired, but I don't see it in their expired  
18 returns, can you verify and have the team add that  
19 product.

20 Q. Okay. In this current responsibility that  
21 you are describing for the last three years and  
22 working with the compliance team, do you have any  
23 responsibility for determining what a -- whether a  
24 certain order is suspicious at Publix?

1           A.       My understanding is, no, that that initial  
2     identification is occurring in another -- another  
3     entity, procurement and compliance working together to  
4     identify that.

5           Q.       Okay. Have you ever had a responsibility  
6     at any time in your various positions at Publix to  
7     determine whether a certain order is suspicious, has  
8     that ever been part of your responsibilities?

9           A.       Whether an order itself has been  
10    suspicious, directly, no, but I may be asked to look  
11    further into a drug or a pharmacy that triggered that  
12    alert.

13          Q.       Okay. If a drug or a pharmacy triggered a  
14    suspicious order alert, was there ever a time when you  
15    are a pharmacy supervisor that you were the person  
16    responsible for determining whether that order was or  
17    was not suspicious as a matter of your roles and  
18    responsibilities?

19          A.       I would be asked to review an order and to  
20    see if there was an explanation that would cause us to  
21    need to change a -- I -- I guess the word I would use,  
22    "a threshold," but whether fulfilling it or  
23    identifying, I -- I would not say that was part of the  
24    pharmacy supervisor's job.

1 Q. Okay. What is a suspicious order?

2 A. Again, my understanding, never having  
3 worked at procurement and only kind of having part  
4 of -- of the view if that's a fair way to say it,  
5 my -- my experience with it would be that is a  
6 notification to the pharmacy team that they will not  
7 be receiving a particular drug, that it was cut from  
8 their order.

9 At that point it -- and the -- I guess the  
10 reason I'm -- I'm sorry to struggle with it, there has  
11 been so much advancements even in inventory management  
12 that I would think that that calculation and -- and so  
13 forth would have changed significantly, so I'm  
14 struggling to know how to answer your question  
15 directly.

16 Q. That's fine. I was at Publix.

17 Does Publix have a definition of a  
18 suspicious order, does it have a particular  
19 definition?

20 A. Again, my -- I guess my understanding  
21 would be that it's surpassed a threshold for that. I  
22 don't recall reading it explicitly, but I would need  
23 to refer to the R&P guide to tell you yes or no that  
24 it's -- it's not defined in there. That's where I

1 would look for that definition.

2 Q. Okay. Sitting here today, you don't know  
3 what Publix's definition or any other definition for a  
4 suspicious order is, is that fair, it is just not part  
5 of your roles and responsibilities, is that a fair  
6 statement?

7 A. I have an understanding of it and what  
8 that means for the pharmacy, but I don't want to  
9 mis -- misspeak about what its official definition is.

10 Q. Okay. And just to round out this circle,  
11 you -- this is not in your world of roles and  
12 responsibilities at Publix to determine whether or not  
13 certain orders fall in the definition of suspicious  
14 orders or not, that's not what your job is at Publix,  
15 correct?

16 A. I would agree, that's not part of my role.

17 Q. Okay. And what -- have you ever reported  
18 a suspicious order to anyone at Publix?

19 A. Has my report been what was the first  
20 initial report of a suspicious order, is that the  
21 question?

22 Q. Have you ever made a determination, Hey,  
23 this order that I'm looking at for whatever reason is  
24 a suspicious order, I'm telling you that it is.



1     prescriber like this one has happened?

2           A.     If the pharmacy becomes aware of a  
3     illegitimate prescription or a fraudulent  
4     prescription, Publix pharmacy asks for our pharmacists  
5     to notify local authorities, as well as have the MIC  
6     of the store fill out an LP incident report to help  
7     notify that the pharmacy has received a fraudulent  
8     prescription.

9           Q.     How does -- as a matter of standard  
10    practice, how does Publix make their pharmacies aware  
11    of -- of an improper or suspicious prescriber? I  
12    understand they might fill out a form and -- and send  
13    it off, but how do they make their pharmacies aware or  
14    pharmacists aware of an improper prescriber?

15          A.     My understanding would be pharmacies are  
16    able to add notes, as outlined in the last sentence  
17    there. As far as Publix pharmacy issuing a statement  
18    on a physician, I have not seen that occur.

19          Q.     Okay. Is it a requirement that, if an  
20    alert comes around like this one, that notes are added  
21    on a particular prescriber?

22                   Is that a requirement at Publix?

23          A.     It's not a requirement and sometimes the  
24    pharmacy may not take what I'm going to call